

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re

Lordstown Motors Corp., *et al.*,¹

Debtors.

Chapter 11

Case No. 23-10831 (MFW)

(Jointly Administered)

Re: D.I. 16, 237, 418, 434, 475

**THIRD NOTICE OF CERTAIN FURTHER MODIFIED DATES
AND DEADLINES IN CONNECTION WITH SALE PROCESS**

PLEASE TAKE NOTICE that, on June 27, 2023, the debtors and debtors in possession in the above-captioned cases (collectively, the “**Debtors**”), filed the *Debtors’ Motion For Entry of An Order (I) (A) Establishing Bidding and Auction Procedures, (B) Scheduling Certain Dates With Respect Thereto, (C) Approving the Form and Manner of Notice Thereof, (D) Approving Contract Assumption and Assignment Procedures, and (E) Granting Other Related Relief; and (II) (A) Authorizing the Debtors to Enter Into a Definitive Purchase Agreement and (B) Granting Other Related Relief* [D.I. 16] (the “**Bidding Procedures and Sale Motion**”) with the United States Bankruptcy Court for the District of Delaware, 824 North Market Street, 3rd Floor, Wilmington, Delaware 19801 (the “**Bankruptcy Court**”). Pursuant to the Bidding Procedures and Sale Motion, the Debtors were seeking, among other things, the entry of (A) an order (i) approving the proposed bidding procedures in connection with the sale or sales of all or substantially all of the Debtors’ assets or any portion thereof (the “**Assets**”) free and clear of liens, claims, encumbrances, and other interests (the “**Sale**”), in the form attached to the Bidding

¹ The Debtors and the last four digits of their respective taxpayer identification numbers are: Lordstown Motors Corp. (3239); Lordstown EV Corporation (2250); and Lordstown EV Sales LLC (9101). The Debtors’ service address is 27000 Hills Tech Ct., Farmington Hills, MI 48331.

Procedures Order² as Schedule 1 thereto (the “**Bidding Procedures**”); (ii) subject to final Bankruptcy Court approval of the Stalking Horse Approval Order, authorizing, but not directing, the Debtors, in their discretion, to select one or more Stalking Horse Bidder(s) in accordance with the Bidding Procedures; (iii) authorizing the Debtors to conduct an auction (the “**Auction**”) and a hearing (the “**Sale Hearing**”) to approve the Sale, if needed; (iv) approving the form and manner of notice of the Bidding Procedures, Auction, and Sale Hearing with respect to the Sale; and (v) approving procedures for the assumption and assignment of executory contracts and unexpired leases in connection with the Sale and approving the form and manner of the notice thereof (collectively, (A)(i)-(v), the “**Bidding Procedures Relief**”); and (B) a subsequent order (i) authorizing and approving the Debtors’ entry into a definitive purchase agreement substantially in the form that will be attached to the Sale Order; (ii) authorizing and approving the Sale of the Assets free and clear of all liens, claims, encumbrances, and other interests; (iii) authorizing and approving the assumption and assignment of the assumed contracts in connection with the Sale, including proposed cure amounts (if any); and (iv) granting related relief.

PLEASE TAKE FURTHER NOTICE that, following notice and a hearing, the Bankruptcy Court entered the *Order (A) Establishing Bidding and Auction Procedures, (B) Scheduling Certain Dates With Respect Thereto, (C) Approving the Form and Manner of Notice Thereof, (D) Approving Contract Assumption and Assignment Procedures, and (E) Granting Other Related Relief*, dated August 8, 2023 [D.I. 237] (the “**Bidding Procedures Order**”). Pursuant to the Bidding Procedures Order, among other things, the Bankruptcy Court granted the Bidding Procedures Relief on the terms set forth therein, and scheduled various dates and deadlines in connection with the Sale of the Assets.

² Capitalized terms used, but not otherwise defined, herein shall have the same meanings given to them

PLEASE TAKE FURTHER NOTICE that, pursuant to Paragraph 2 of the Bidding Procedures Order, the Bankruptcy Court ordered that “[t]he following dates and deadlines regarding the Sale are hereby established, subject to the Bidding Procedures *and the rights of the Debtors to modify such dates.*” See Bidding Procedures Order at ¶ 2 (emphasis added).

PLEASE TAKE FURTHER NOTICE that consistent with the terms of the Bidding Procedures Order, on September 12, 2023, the Debtors filed the *Notice of Certain Modified Dates and Deadlines in Connection With Sale Process* [D.I. 418] (the “**First Modification Notice**”). On September 19, 2023, the Debtors filed the *Notice of Certain Further Modified Dates and Deadlines in Connection With Sale Process* [D.I. 434] (the “**Second Modification Notice**”). On September 26, 2023, the Debtors filed the *Second Notice of Certain Further Modified Dates and Deadlines in Connection With Sale Process* [D.I. 475] (the “**Third Modification Notice**” and together with the First Modification Notice and Second Modification Notice, the “**Modification Notices**”) pursuant to which the Debtors provided notice to parties-in-interest in their chapter 11 cases of certain modified date and deadlines in connection with the Sale of the Assets. **You were previously served with a copy of the Modification Notices.**

PLEASE TAKE FURTHER NOTICE that, consistent with the terms of the Bidding Procedures Order, the Debtors have further modified the following time in connection with the Auction:

Event or Deadline	Previous Date and Time³	Further Modified Time
Auction (if required)	September 29, 2023 at 10:30 a.m. (ET)	September 29, 2023 at <u>1:00 p.m. (ET)</u>

PLEASE TAKE FURTHER NOTICE that, notwithstanding anything to the contrary in the Bidding Procedures Order or the Modification Notices, the date and time of the Auction set forth above under the column labeled “Further Modified Time” shall control.

PLEASE TAKE FURTHER NOTICE that, except as specifically modified in this notice or the Modification Notices, all of the other dates and deadlines in connection with the Sale of the Assets set forth in the Bidding Procedures Order shall control.

[Remainder of page intentionally left blank.]

³ All dates and deadlines are subject to Fed. R. Bankr. P. 9006.

Dated: September 29, 2023

Respectfully submitted,

/s/ James F. McCauley

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